

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TROY LEE BRIGGS and
JEREL WASHINGTON

Plaintiffs,

v.

Case No. 07-C-418

PHILIP MORRIS USA and
R.J. REYNOLDS,

Defendants.

ORDER

Plaintiffs Troy Lee Briggs (“Briggs”), Jerel Washington (“Washington”), and other unnamed individuals filed a complaint suing the defendants pursuant to 42 U.S.C. § 1983. Briggs filed a request for leave to proceed in forma pauperis, and filed a certified copy of his prisoner trust account statement for the 6-month period immediately preceding the filing of the complaint as required under 28 U.S.C. § 1915(a)(2). On May 9, 2007, in accordance with the provisions of 28 U.S.C. § 1915(b)(1), Briggs was ordered to forward to the clerk of this court the sum of \$1.57 as an initial partial filing fee in this action.

However, pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(b)(1), and the Seventh Circuit’s holding in *Boriboune v. Berge*, 391 F.3d 852 (7th Cir. 2004), each plaintiff is required to pay a statutory filing fee of \$350.00. Washington has neither paid the fee nor filed a motion for leave to proceed in forma pauperis. Such being the case, Washington has twenty (20) days from the date of this order to pay the filing fee or file a motion for leave to proceed in forma

pauperis along with “a certified copy of the trust fund account statement . . . for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(2). Failure to comply with this order will result in dismissal from this action.

NOW THEREFORE IT IS ORDERED that Washington has twenty (20) days from the date of this order to pay the filing fee or file a motion for leave to proceed in forma pauperis; failure to comply with this order will result in dismissal from this action.

IT IS FURTHER ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

SO ORDERED this 9th day of May 2007, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge